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RESOLUTION NO. 5-ZAB-222-94

WHEREAS, MARTINA BOREK had applied for the following:

DELETION of Condition #4 of Resolution 4-ZAB-401-91, passed and adopted by the Zoning Appeals Board on the 18th day of December, 1991, as follows:

"4. That the use be temporary in nature and not exceed a period of five (5) years from the date of adoption of this resolution (on or before the 18th day of December, 1996).

The purpose of the request is to permit the deletion of said condition which limits the use of the property.

SUBJECT PROPERTY: The west 1/2 of the NW 1/4 of the NW 1/4 of the NE 1/4, less the north 35' in Section 25, Township 56 South, Range 39 East.

LOCATION: 12110 S.W. 248 Street, Dade County, Florida, and

WHEREAS, a public hearing of the Metropolitan Dade County Zoning Appeals Board was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and

WHEREAS, this Board has been advised that the subject application has been reviewed for compliance with concurrency requirements for levels of services and, at this stage of the request, the same was found to comply with the requirements, and

WHEREAS, upon due and proper consideration having been given to the matter, it is the opinion of this Board that the requested deletion would be in harmony with the general purpose and intent of the regulations and would conform with the requirements and intent of the Zoning Procedure Ordinance, and

WHEREAS, the following resolution was offered by Charlie McGarey seconded by Humberto Amaro and upon poll of members present, the vote was as follows:

Humberto Amaro aye
Willie Barnett aye
Wilfredo Calvino, Jr. aye
Frank Colunga aye
Mavel Cruz aye
Raul Del Portillo aye
Barbara Hardemon aye

Herminia Herrera aye
Charlie McGarey aye
Jorge Rodriguez-Chomat aye
Jonathan Rubin aye
June Stevens aye
Colleen Griffin aye

NOW THEREFORE BE IT RESOLVED by the Metropolitan Dade County Zoning Appeals Board that the application be and the same is hereby approved.

BE IT FURTHER RESOLVED that all conditions of Resolution No. 4-ZAB-401-91 shall remain in full force and effect, except as herein modified.

BE IT FURTHER RESOLVED, notice is hereby given to the applicant that the request herein constitutes an initial development order and does not constitute a final development order and that one, or more, concurrency determinations will subsequently be required before development will be permitted.

The Zoning Director is hereby directed to make the necessary notations upon the maps and records of the Dade County Building and Zoning Department.

PASSED AND ADOPTED this 15th day of June, 1994.

Hearing No. 94-4-7
Typed 6/27/94 bn

H. Colson

25-56-39/91-425

RESOLUTION NO. 4-ZAB-401-91

The following resolution was offered by William Losner seconded by Colleen Griffin and upon poll of members present, the vote was as follows:

Humberto Amaro	aye	William Losner	aye
Mavel Cruz	aye	Scott Notowitz	aye
Gussie Davis	aye	Dean Oddy	absent
Colleen Griffin	aye	Kenneth Welt	aye
Jose A. Losa	aye		

WHEREAS, STEVEN BOREK FARMS had applied for the following:

- (1) SPECIAL EXCEPTION to permit the continued use of a packing plant to be spaced less than 100' from an AU district.
- (2) NON-USE VARIANCE OF LOT AREA REQUIREMENTS to permit the aforementioned packing plant on a parcel of land with an area of 4.73 acres (10 acres required).
- (3) NON-USE VARIANCE OF SETBACK REQUIREMENTS to permit the continued use of an existing single family residence encroaching 7" (50' setback required from right-of-way) into the right-of-way line of S.W. 248 Street.
- (4) NON-USE VARIANCE OF PARKING REQUIREMENTS to permit parking on grassed area (none permitted).

Plans are on file and may be examined in the Zoning Department entitled "Steven Borek Farms," as prepared by Borek, dated received July 5, 1991. Plans may be modified at public hearing.

SUBJECT PROPERTY: The west 1/2 of the NW 1/4 of the NW 1/4 of the NE 1/4, less the north 35' of Section 25, Township 56 South, Range 39 East.

LOCATION: 12110 S.W. 248 Street, Dade County, Florida, and

WHEREAS, a public hearing of the Metropolitan Dade County Zoning Appeals Board was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and

WHEREAS, this Board has been advised that the subject application has been reviewed for compliance with concurrency requirements for levels of services and, at this stage of the request, the same was found to comply with the requirements, and

WHEREAS, upon due and proper consideration having been given to the matter, it is the opinion of this Board that the requested special exception and non-use variances would be compatible with the area and its development and would be in harmony with the general purpose and intent of the regulations and would conform with the requirements and intent of the Zoning Procedure Ordinance;

NOW THEREFORE BE IT RESOLVED by the Metropolitan Dade County Zoning Appeals Board that the application be and the same is hereby approved, subject to the following conditions:

1. That there be no outdoor PA system in conjunction with this use.
2. That only equipment directly related to products packed at this facility be stored on the property.
3. That only locally grown (Dade County) produce be packed at this facility.
4. That the use be temporary in nature and not exceed a period of five (5) years from the date of adoption of this resolution (on or before the 18th day of December, 1996).
5. That there be no exterior expansion of the existing packing house.
6. That the applicants obtain a Certificate of Use and Occupancy from, and promptly renew the same annually with the Dade County Building and Zoning Department, upon compliance with all terms and conditions, the same subject to cancellation upon violation of any of the conditions, or, when in the opinion of the Metropolitan Dade County Zoning Appeals Board, after public hearing, it is determined that the use is detrimental to and/or incompatible with the surrounding neighborhood, unless the applicants prove to the satisfaction of the Department that the use was established prior to August 2, 1938, in which event this condition will be void.

BE IT FURTHER RESOLVED, notice is hereby given to the applicant that the request herein constitutes an initial development order and does not constitute a final development order and that one, or more, concurrency determinations will subsequently be required before development will be permitted.

The Zoning Director is hereby directed to make the necessary notations upon the maps and records of the Dade County Building and Zoning Department and to issue all permits in accordance with the terms and conditions of this resolution.

PASSED AND ADOPTED this 18th day of December, 1991.

Hearing No. 91-12-15
Typed 1/2/92 bn